

March 11, 2004

Page 1 of 2

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Comment on process of submission of forms and certification in E-rate Program.

CC Docket No. 02-6

Dear Ms. Dortch,

On February 4, 2004, we became aware of a problem with the submission and certification of Form 471.

Online submission of Form 471 can be completed until 11:59PM EST. Certification is required either through the pin process or by paper.

Please consider these areas on your website:

1. On the instructions page of "FCC Form 471 Instructions-October 2003-Page 27" it states simply that "If the Block 6 certification is submitted on paper, you are advised to keep proof of the date of mailing." There is no reference to the "in the window" or "out of window" in this document.

2. At <http://www.sl.universalservice.org/reference/ProofPostmarkDelivery.asp>, it does not refer to anything about "in or out of window".

3. At <http://www.sl.universalservice.org/applicants/form471.asp>, it states "FCC rules prescribe a filing window during which all Forms 471 that are filed are treated as if simultaneously received. (Applications that are not filed within that timeframe likely will not receive funding.) Once the filing window opens, the applicant can submit the Form 471 either online or on paper".

4. At <http://www.sl.universalservice.org/applicants/duedates.asp>, it states: "Form 471 Received or postmarked no later than 11:59 PM EST on the day of the close of the Form 471 application filing window (exact date will be posted on our web site)".

5. At <http://www.sl.universalservice.org/applicants/form471.asp>, " All window filing requirements - as stated in the Form 471 instructions - must be met in order for an application to be considered with all others received in that timeframe."

We wish to submit to you that these processes need to be changed:

1. Website needs to have one area for all information about each form and that information needs to be consistently stated and clear.

Page 2 of 2

2. Online submission needs to have equity with paper submissions.

3. Postmark of paper submissions must allow for problems with acts of nature.

We have already shown through my notes from page 1 of this letter that the process is confusing. You should be able to go to one document that clearly gives all information to submit a form.

For the second and third point above, we want to discuss some of the problems.

Online submission is immediate. Certification may be immediate if you are given a pin. Paper submission is at the mercy of the deliverer. Distance and acts of nature may cause delivery to be immediate or up to any length of time. Thus if you submit online but certify by paper, you are at the mercy of the deliverer also.

Postmarks may be made by any US Postal Office or any entity which has been given a machine to postmark by the US Postal Office and designated to weigh and postmark mail. Supermarkets, banks, and many USD offices use them and make them available for services within their businesses or to the public. US Postal Offices also have varying regular hours depending upon size of the post office and time zone. Districts with machines can postmark up until 11:59 PM EST.

If a Block 6 certification is delivered by the next day physically, it is considered to be "outside the window" even though the form was completed online "in the window". Yet, all the paper copies postmarked by the 11:59 PM deadline, from various parts of the United States may not be received for another week or two if delivered by the US Postal Service, will be considered to be "in the window".

The above scenarios are not equitable and we propose that the process be changed. Online submission should be considered in the window and the receipt of any paper copies for Block 6 and Item 21 should be accepted within the window if received within 15 days following the online submission.

Please consider changing the regulations for processing of Form 471 so that districts can work within reasonable timelines and equitably.

Sincerely,

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